Remarks

Claims 1-17 and 40-42 are pending in this application. The Examiner is directed to the preliminary amendment filed January 26, 2006 wherein claims 18-39 and 43-44 were cancelled. A check of the USPTO PAIR system indicates such amendment was received by the Patent Office. Claims 1-17 and 42 are cancelled herein. Accordingly, claims 40 and 41 are now pending in this application.

Objections to the Specification and Claims

The Title has been amended as requested by the Examiner.

Example 29 has been amended to correct the structure overlap onto the Example.

Claim 43 was cancelled in the preliminary amendment of January 26, 2006.

Claims having non-elected subject matter have been cancelled or amended to delete said non-elected subject matter.

Rejection under 35 USC § 112 – 1st and 2nd Paragraphs

The Office Action has asserted several rejections under section 112 which are handled following.

The Office Action rejects several claims under Section 112, 2nd paragraph as being indefinite. The Examiner specifically points to claims 9, 15, and 40 as specific instances. Claims 1-39 are now cancelled. Claim 40 is written in independent form. Accordingly, applicants believe the rejections are overcome by amendment or mooted by cancellation of claims. Applicants respectfully request that the rejections be withdrawn.

The Office Action also rejects claims 1, 3, 5, 8-12, 14-41, and 43 under Section 112, 1st paragraph as being not enabled. Claims 1-39 and 42-44 are cancelled. The terms "solvates" and physiologically function derivatives" have

been deleted from claims 40 and 41. Accordingly, applicants believe the rejections are overcome by amendment or mooted by cancellation of claims. Applicants respectfully request that the rejections be withdrawn.

First Rejection under 35 USC § 103

Claims 1, 3, 5, 8-12, 14-41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaur. Gaur teaches benzimidazole derivatives wherein R^3 and R^4 are each methyl and the phenyl group is unsubstituted or mono-substituted with methyl, -Cl, or methoxy. Furthermore, the compounds of Gaur are useful as anthelmintics.

Initially, Applicants note that claims 1, 3, 5, 8-12, 14-39, and 43 are cancelled. Therefore the rejection is moot concerning those claims. The discussion following is directed at the subject matter of claims 40 and 41.

The claimed compounds are indazole derivatives wherein R^3 and R^4 are each -H and the phenyl group is mono-, di-, or tri- substituted. In addition, the claimed compounds are inhibitors of the ATP kinase binding site of SGK-1. Gaur does not teach or suggest indazole compounds, does not teach or suggest R^3 and R^4 being –H, and with the exception of –Cl and methoxy does not teach or suggest any of the phenyl substituents of the claimed compounds. Most notably, those having skill in the art would not be motivated to look at anthelmintic compounds for guidance in developing compounds having inhibitory action versus the ATP kinase binding site of SGK-1. Further, given the unpredictability in the pharmaceutical arts, the noted structural differences in the compounds, and the different utilities of the compounds there would be no reasonable expectation of success that one would arrive at the claimed compounds.

Accordingly, applicants believe the rejections are improper, overcome by amendment, or mooted by cancellation of claims. Applicants respectfully request that the rejections be withdrawn.

Second Rejection under 35 USC § 103

Claims 1, 3, 5, 8-12, 14-41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omar. Omar teaches benzimidazole derivatives wherein R^5 is $-NO_2$, and the phenyl group is unsubstituted or mono-substituted with -Cl, or $-NO_2$. Furthermore, the compounds of Omar are useful as antischistosomal agents.

Initially, Applicants note that claims 1, 3, 5, 8-12, 14-39, and 43 are cancelled. Therefore the rejection is moot concerning those claims. The discussion following is directed at the subject matter of claims 40 and 41.

The claimed compounds are indazole derivatives wherein R^5 is -H and the phenyl group is mono-, di-, or tri- substituted. In addition, the claimed compounds are inhibitors of the ATP kinase binding site of SGK-1. Omar does not teach or suggest indazole compounds, does not teach or suggest R^5 being –H, and with the exception of –Cl does not teach or suggest any of the phenyl substituents of the claimed compounds. Most notably, those having skill in the art would not be motivated to look at antischistosomal compounds for guidance in developing compounds having inhibitory action versus the ATP kinase binding site of SGK-1. Further, given the unpredictability in the pharmaceutical arts, the noted structural differences in the compounds, and the different utilities of the compounds there would be no reasonable expectation of success that one would arrive at the claimed compounds.

Accordingly, applicants believe the rejections are improper overcome by amendment or mooted by cancellation of claims. Applicants respectfully request that the rejections be withdrawn.

Third Rejection under 35 USC § 103

Claims 1, 3, 5, 8-12, 14-41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shetgiri. Initially, Applicants query why the Examiner is making a rejection on restricted subject matter. The present invention is restricted to R^1 being a phenyl and Shetgiri does not teach R^1 as a phenyl. Further, the non-elected subject matter has been deleted from the claims.

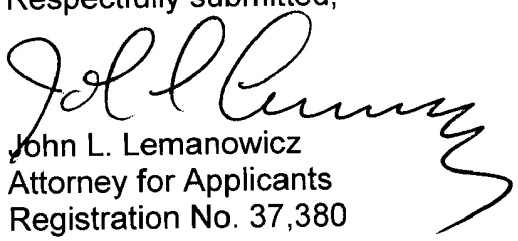
Accordingly, applicants believe the rejection is improper and respectfully request that the rejections be withdrawn.

Conclusion

The points and concerns of the Examiner have been addressed in full. Applicants respectfully submit that the instant application is in condition for allowance, which is respectfully requested. Should any issues remain unresolved in this application which would bar issuance, the Examiner is invited to contact the undersigned Attorney at (919) 483-6334 to discuss such issues.

Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to affect the timely filing of this paper the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

Respectfully submitted,



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